

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Chapter 27 (14 **Del.C.** Ch. 27)
14 **DE Admin. Code** 615

FINAL

REGULATORY IMPLEMENTING ORDER

615 School Attendance

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 **Del.C.** Ch. 27, the Secretary of Education seeks the consent of the State Board of Education to amend 14 **DE Admin. Code** 615 School Attendance. This regulation concerns school attendance for students in grades K through 12. This regulation is being reviewed in compliance with 29 **Del.C.** §10407 which requires regulations to be reviewed on a recurring basis every four years. It is also being amended to include charter schools.

Notice of the proposed regulation was published in the *News Journal* and the *Delaware State News* on November 1, 2019, in the form hereto attached as Exhibit "A". No comments were received.

II. FINDINGS OF FACTS

The Secretary finds that it is appropriate to amend 14 **DE Admin. Code** 615 School Attendance in order to be in compliance with 29 **Del.C.** §10407 which requires regulations to be reviewed on a recurring basis every four years. It is also being amended to include charter schools.

III. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Secretary concludes that it is appropriate to amend 14 **DE Admin. Code** 615 School Attendance. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 615 School Attendance attached hereto as Exhibit "B" is hereby amended. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 615 School Attendance hereby amended shall be in effect for a period of five years from the effective date of this order as set forth in Section V. below.

IV. TEXT AND CITATION

The text of 14 **DE Admin. Code** 615 School Attendance amended hereby shall be in the form attached hereto as Exhibit "B", and said regulation shall be cited as 14 **DE Admin. Code** 615 School Attendance in the *Administrative Code of Regulations* for the Department of Education.

V. EFFECTIVE DATE OF ORDER

The actions hereinabove referred to were taken by the Secretary pursuant to 14 **Del.C.** §122 on April 23, 2020. The effective date of this Order shall be ten (10) days from the date this Order is published in the *Delaware Register of Regulations*.

IT IS SO ORDERED the 23th day of April 2020.

Department of Education

Susan S. Bunting, Ed.D., Secretary of Education

Approved this 23th day of April 2020

State Board of Education

/s/ Whitney Townsend Sweeney, President

/s/ Audrey J. Noble, Ph.D., Vice President

/s/ Candace Fifer

/s/ Vincent Lofink

/s/ Nina Lou Bunting

/s/ Wali W. Rushdan, II

/s/ Provey Powell, Jr.

***Please Note: Electronic signatures ("/s/") were accepted pursuant to 6 Del.C. §12A-107(d).**

615 School Attendance

1.0 Required Attendance Policy

- 4.1 Each school district and charter school shall have an attendance policy that ~~is in accordance with the requirements of the Delaware Code~~ complies with 14 Del.C. Ch. 27 and which defines and describes the district's or charter school's rules concerning attendance for students K to 12.

2 DE Reg. 685 (10/01/98)

7 DE Reg. 619 (11/01/03)

12 DE Reg. 221 (08/01/08)

2.0 Distribution of Attendance Policy

- 2.1 Each district or charter school shall distribute and explain these policies to every student at the beginning of each school year.
- 2.2 Each district or charter school shall distribute and explain these policies to each student enrolling or re enrolling during the school year.
- 2.3 Each district or charter school shall post the attendance policy on its website and notify a parent, guardian or ~~Relative Caregiver~~ relative caregiver of each student in writing where this policy can be accessed. A hard copy shall be provided to a parent, guardian or ~~Relative Caregiver~~ relative caregiver upon request.

12 DE Reg. 221 (08/01/08)

3.0 Reporting Requirements and Timelines

- 3.1 Each public school district or charter school shall have an electronic copy of its current attendance policy on file with the Department of Education.
- 3.2 Each public school district or charter school shall provide an electronic copy of any revised attendance policy within ninety (90) days of such revision(s) regardless of whether said revisions were made as a result of changes to ~~Federal~~ federal, state or local law, regulations, guidance or policies.

12 DE Reg. 221 (08/01/08)

23 DE Reg. 1017 (06/01/20) (Final)